

111TH CONGRESS
2D SESSION

S. 3734

To require the President to submit reports and certifications to Congress on the duties of certain employees who are appointed without the advice and consent of the Senate, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the President to submit reports and certifications to Congress on the duties of certain employees who are appointed without the advice and consent of the Senate, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Czar Accountability
5 Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on the Judiciary of the
5 Senate;

6 (B) the Committee on Foreign Relations of
7 the Senate; and

8 (C) the Committee on Homeland Security
9 and Governmental Affairs of the Senate.

10 (2) COVERED EMPLOYEE.—The term “covered
11 employee” means—

12 (A) any employee of the Executive Office
13 of the President who—

14 (i) is not appointed by and with the
15 advice and consent of the Senate; and

16 (ii) reports directly to the President;
17 or

18 (B) any employee of the Department of
19 State who—

20 (i) is not appointed by and with the
21 advice and consent of the Senate; and

22 (ii) is an envoy or special representa-
23 tive.

1 **SEC. 3. REPORTS BY THE PRESIDENT.**

2 Not later than January 1, 2011, and every 6 months
3 thereafter, the President shall submit a report to the ap-
4 propriate congressional committees that—

5 (1) identifies each covered employee;

6 (2) describes the duties of each covered em-
7 ployee; and

8 (3) includes any certification described under
9 section 4.

10 **SEC. 4. CERTIFICATIONS.**

11 (a) IN GENERAL.—The President shall include in
12 each report submitted under section 3 a certification to
13 Congress of each covered employee who meets the condi-
14 tions under subsection (b).

15 (b) CERTIFICATION CONDITIONS.—The conditions
16 referred to under subsection (a) are—

17 (1) with respect to each covered employee de-
18 scribed under section 2(2)(A), that the employee is
19 not exercising significant authority under the laws of
20 the United States;

21 (2) with respect to each covered employee de-
22 scribed under section 2(2)(B), that the employee is
23 not an ambassador, other public minister, or consul;
24 and

25 (3) with respect to each covered employee, that
26 the employee is not exercising any power that has

- 1 been expressly delegated to the President by the
- 2 United States Constitution.

